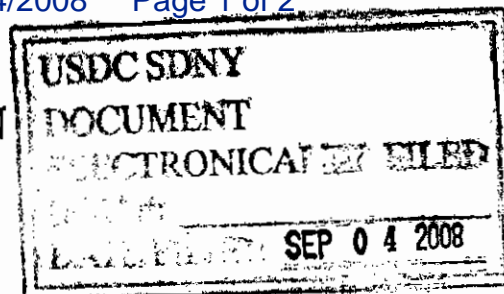


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September 3, 2008

VIA FACSIMILE (212) 805-0426

Hon. Laura Taylor Swain
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

Re: *Estate of Shefner v. Tuchman*
Case Number 1:08-cv-4443 (LTS)(DFE)

Dear Judge Swain:

I am counsel to defendants Maurice Tuchman ("Tuchman") and Esti Dunow ("Dunow") in the above action and refer to a letter dated today, September 3, 2008, from Assistant United States Attorney Sarah S. Normand, whose office represents defendant the National Gallery of Art ("National Gallery") in this same matter.

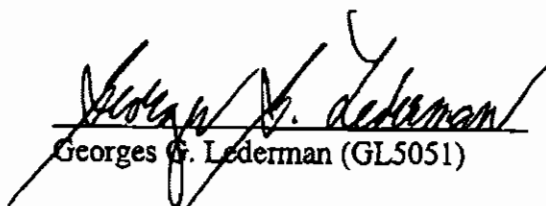
In her letter Ms. Normand requests an extension of time within which to submit a reply brief in further support of the National Gallery's motion to dismiss. Although Tuchman and Dunow did not submit a separate motion to dismiss or otherwise join in that of the National Gallery, their alleged conduct is widely discussed both in the motion to dismiss and in plaintiff's opposition papers. Because Tuchman and Dunow dispute plaintiff's characterizations of certain of their admissions cited in plaintiff's opposition papers, I request the opportunity to submit a declaration in reply preserving my clients' objections. I would further ask that this Court grant Tuchman and Dunow the same date within which to submit this declaration as that of the National Gallery to submit its reply brief.

Hon. Laura Taylor Swain
September 3, 2008
Page Two

GEORGES G. LEDERMAN, ESQ.

I thank the Court for its consideration of this request.

Respectfully,


Georges G. Lederman (GL5051)
*Attorney for Defendants Maurice
Tuchman and Esti Dunow*


cc: Sarah S. Normand (via facsimile)
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007
Counsel for Defendant the National Gallery of Art

Karl Geercken, Esq. (via facsimile)
F. Paul Greene, Esq.
Alston & Bird LLP
90 Park Avenue
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Counsel for Plaintiff

The foregoing letter is
sufficient to preserve Defendants'
position that they do not
concur with Plaintiff's
characterization of their
admissions. The request
to file a specific rebuttal
in connection with the
instant motion practice
is denied.

SO ORDERED.

NEW YORK, NY


LAURA TAYLOR SWAIN
Sept 4, 2008 UNITED STATES DISTRICT JUDGE